

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

DEBORAH MOSS, on Behalf of Herself and
All Others Similarly Situated,

Plaintiff,

v.

FIRST PREMIER BANK, a South Dakota
Chartered Bank,

Defendant.

Civil Action No.: 2:13-cv-5438-ERK-GRB

**PROPOSED SCHEDULE IF DISCOVERY
IS NOT BIFURCATED**

Because the schedule for discovery and motion practice in this case is a function of whether the Court bifurcates discovery, the Parties submit two alternative proposed schedules. Where the Parties positions differ below, the Parties' competing positions are identified.

FACT DISCOVERY

1. *Initial Disclosures.* The Parties must make their initial disclosures under Fed. R. Civ. P. 26(a)(1) on or before July 19, 2019.
2. *Timing of Discovery.* The Parties must commence fact discovery in time to be completed by March 2, 2020.
3. *Discovery Limitations.* The Parties propose that the Court limit each side's use and numbers of discovery procedures for as follows:
 - a. 35 interrogatories;
 - b. Document requests
35 document requests
 - c. 20 requests for admission;
 - d. 10 depositions per side, excluding any expert witness depositions.

EXPERT DISCOVERY

1. *Initial Experts.*

- a. *Identities.* The identity of any expert who may testify in support of class-certification or at trial regarding issues on which the party has the burden of persuasion must be disclosed on or before March 2, 2020.
 - b. *Reports.* The initial expert written report completed in accordance with Fed. R. Civ. P. 26(a)(2)(B) must be served on or before March 30, 2020.
2. *Rebuttal Experts.*
- a. *Identities.* The identity of any experts who may testify in rebuttal to any initial expert must be disclosed on or before April 13, 2020.
 - b. *Reports.* Any rebuttal expert's written report completed in accordance with Fed. R. Civ. P. 26(a)(2)(B) must be served on or before May 25, 2020.
 - c. *Expert Depositions.* All expert discovery, including expert depositions, must be completed by June 15, 2020.

PROPOSED MOTION SCHEDULE

The Parties propose the following deadlines for filing motions:

1. *Non-Dispositive Motions.*
 - a. Non-dispositive motions relating to fact discovery must be filed and served by March 16, 2020.
 - b. All other non-dispositive motions, including motions relating to expert discovery (i.e., *Daubert* motions), must be filed and served by July 27, 2020.
2. *Dispositive Motions.* All dispositive motions, including class-certification motions, must be filed and served by July 27, 2020.

So Ordered.

/s/ Gary R. Brown, USMJ

Dated: 7/8/2019